

**REMARKS**

Claims 30-39 remain pending and under current examination.

**Regarding the Final Office Action:**

In the Final Office Action, the Examiner objected to the drawings under 37 C.F.R. §1.83(a); rejected claims 38 and 39 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement; and allowed claims 30-37. Applicants traverse the objection and rejection, as detailed above, for the following reasons.<sup>1</sup>

**Rejection of Claims 38 and 39 under 35 U.S.C. § 112, first paragraph:**

Regarding the 35 U.S.C. § 112, first paragraph, rejection, the Examiner stated “[c]laims 38-39 disclose the remaining region of the pair of thin films on which the **gate sidewall is absent**. These limitations are not disclosed in the specification and nor is it shown in the drawings and is considered new matter” (Final Office Action, p. 3, emphasis in original). Applicants disagree with the Examiner’s allegations, and in response direct the Examiner’s attention to Fig. 22K and the corresponding description in the specification at, for example, pages 69-74. Specifically, in reference to this citation, Applicants point out to the Examiner that Fig. 22K illustrates examples of each and every element of claim 38:

--a substrate [**Si substrate 201**];

a gate wiring layer [**gate electrode 212**] formed on one major surface of said substrate;

an insulating film [**gate insulating film 210**] interposed between said substrate and said gate wiring layer and covering a side surface of said gate wiring layer;

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<sup>1</sup> The Office Action contains statements characterizing the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Office Action.

a pair of thin films formed on one major surface of said substrate, and arranged on two sides of said gate wiring layer [**“extension(s) 204,” located on opposing sides of gate insulating film 210; “extension(s) 204” being formed from crystalline Si epi film 204’ with As<sup>+</sup> implanted ions**]; and

a gate sidewall [**gate sidewall 207**] formed on said pair of thin films, covering said side surface of said gate wiring layer, and made of an insulator, wherein a region of said pair of thin films between said gate sidewall and said substrate [**“extension(s) 204,” located on opposing sides of gate insulating film 210**], a remaining region of said pair of thin films on which said gate sidewall is absent [**this remaining region is n<sup>+</sup>-type diffusion region(s) 208 formed adjacent to extension(s) 204 and on opposing sides of gate insulating film 210; note that gate sidewall 207 is not present over n<sup>+</sup>-type diffusion region(s) 208, and hence is ‘absent’**], and a surface region of said substrate in contact with the remaining region contain a semiconductor and a conductive impurity.--  
(Claim 38)

Applicants note that “a remaining region of said pair of thin films on which said gate sidewall is absent” includes the regions of crystalline Si epi film 204’ remaining after the ion implant step designed to form n<sup>+</sup>-type diffusion region 208 adjacent to extension(s) 204. It is clear that gate sidewall 207 acts as a mask over extension(s) 204 during the implant required to form region(s) 208. Therefore, the “remaining region of said pair of thin films” is exemplified by the region of extension(s) 204 that become n<sup>+</sup>-type diffusion region(s) 208. Thus, contrary to the Examiner’s allegation, the claim limitations are disclosed in the specification, are shown in the drawings, and are not new matter.

Claims 38 and 39 are allowable for the reasons presented above. Therefore, the improper 35 U.S.C. § 112, first paragraph, rejection of claims 38 and 39 should be withdrawn.

**Objection to the Drawings:**

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a), alleging “the remaining region of [the] pair of thin films on which [the] gate sidewall is absent must be shown

or the feature(s) canceled from the claims(s). No new matter should be entered” (Final Office Action, p. 2).

In response, Applicants note that the reasoning presented immediately above to overcome the 35 U.S.C. § 112, first paragraph, rejection is sufficient indicia to likewise indicate that Fig. 22K satisfies the Examiner’s requirement that “the remaining region of [the] pair of thin films on which [the] gate sidewall absent must be shown” (Final Office Action, p. 2).

Applicants therefore deem the Examiner’s objection to the drawings overcome, and accordingly requests withdrawal of the objection.

**Conclusion:**

In view of the foregoing, Applicants request reconsideration of the application and withdrawal of the rejections. Pending claims 30-39 are in condition for allowance, and Applicants request a favorable action.


Applicants encourage the Examiner to contact the undersigned representative by telephone to discuss any remaining issues or to resolve any misunderstandings.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By:   
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